

University of Wisconsin-Stevens Point

Emotional Support Animal Policy and Procedure

A. Purpose

This policy outlines when and how a student may request the use of an Emotional Support Animal under the Fair Housing Act as a reasonable accommodation under the Americans with Disabilities Amendments Act (ADAAA).

The University of Wisconsin-Stevens Point (UWSP) recognizes the importance of Emotional Support Animals (ESA), governed under the Fair Housing Act, that provide physical and/or emotional support to individuals with disabilities. UWSP is committed to allowing ESAs when necessary to provide students with disabilities an equal opportunity to use and enjoy university housing. Although it is the policy of UWSP that animals are generally prohibited in any type of university housing, UWSP will consider a request for a reasonable accommodation by an individual with a disability to allow an ESA. However, no ESA may be kept in university housing at any time prior to the individual receiving approval.

B. Definitions

Emotional Support Animal

ESAs are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability, alleviating one or more identified symptoms of an individual's disability. ESAs are not considered service animals under the ADAAA or UWSP's Service Animal Policy. Some ESAs are professionally trained, but in other cases, ESAs provide the necessary support to individuals with disabilities without any formal training or certification.

UWSP follows local, state and federal statutes regarding the ownership, sale, and importation of exotic and non-native species of animals. Animals which are classified as wild, endangered, or exotic are not permitted to be used as ESAs. See Wisconsin State Law Governing Private Possession of Exotic Animals 169.01.

C. Procedure for Requesting an Emotional Support Animal in University Housing

The Disability and Assistive Technology Center (DATC) is responsible for evaluating requests for reasonable accommodation in university housing. In evaluating the request, DATC may consult with the Office of Residential Living and the UWSP Counseling Center, as necessary, to determine whether the requested accommodation is reasonable. Students with a disability who reside or intend to reside in university housing who believe they need a reasonable accommodation must contact DATC.

Requests for reasonable accommodation in university housing policy and practice are governed by the following requirements:

1. Requesting a housing accommodation

- A student with a disability must complete the *Housing Accommodation Request* form. Copies of the request form are available from DATC or online at www.uwsp.edu/datc. If the student requires assistance in completing the request form because of disability, DATC will provide assistance.
- DATC will require the student to complete a verification form and designate a reliable third party who can verify that the student has a disability and that the requested accommodation is necessary to provide the student an equal opportunity to use and enjoy university housing. A reliable third party is someone who is familiar with the student's disability and the necessity for the accommodation, including, but not limited to, a doctor or mental health provider.
- If the third party returns the verification form without sufficient information for DATC to determine whether an accommodation is reasonable, the director of DATC will inform the student in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third party verification.
- The student must provide written consent for DATC to disclose information regarding the request for and presence of the ESA to those students who may be impacted by the presence of the animal including, but not limited to, Residential Living personnel and potential and /or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the student's disability.

DATC will limit its request for information to only the information necessary to verify whether the student making the request has a disability and to evaluate if the accommodation is reasonable to provide the student with an equal opportunity to use and enjoy university housing.

2. Timeliness of request

UWSP will accept and consider requests for reasonable accommodation in university housing at any time. The student making the request for accommodation should complete and provide the request form to DATC as soon as practically possible before moving into university housing. However, if the request for accommodation is made fewer than 30 days before the student intends to move in to university housing, UWSP cannot guarantee that it will be able to meet the student's accommodation needs upon occupancy.

If the need for accommodation arises when the student already resides in university housing, the student should contact DATC and complete the request form as soon as possible.

3. Approval of accommodation

If DATC determines a requested accommodation is reasonable, it will contact the student in writing to the student's UWSP email to arrange a meeting to discuss the implementation of

the accommodation. After approval, records regarding the animal's health, license, and any training received must be submitted to DATC.

4. Denial of accommodation/appeal

If DATC determines a requested accommodation is unreasonable, DATC will contact the student in writing to the student's UWSP email and engage in an interactive process with the student to determine if alternative accommodations might effectively meet the student's disability-related needs.

If the student is unwilling to accept any alternative accommodation offered by DATC or there are no alternative accommodations available, DATC will provide a written notification to the student of the denial, the reasons for the denial, the right to appeal the decision, and the procedures for that appeals process.

Students may appeal the denial of an ESA through the grievance procedure provided in the [DATC Grievance and Appeal Procedures](#).

D. Criteria for Determining if Presence of Emotional Support Animal is Reasonable

University housing is unique in several aspects including the mandatory assignment of roommates for many students and the mandate that students must share a room or suite in certain residence halls. To ensure the presence of an ESA is not an undue administrative burden or fundamental alteration of university housing, UWSP reserves the right to assign a student with an ESA to a room without a roommate.

However, for all requests for ESAs, DATC shall nonetheless consult with Residential Living in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters university housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including university property.

UWSP may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable in making housing assignments for students with ESAs:

1. The size of the animal, and associated equipment and supplies, is too large for available assigned housing space.
2. The animal's presence would force another student from student housing (e.g., severe allergies).
3. The animal's presence otherwise violates students' right to peace and quiet enjoyment.
4. The animal is not housebroken or is unable to live with others in a reasonable manner.
5. The animal's vaccinations are not up-to-date.
6. The animal poses, or has posed in the past, a direct threat to the student or others such as aggressive behavior toward or injuring the student or others.

7. The animal causes, or has caused, excessive damage to housing beyond reasonable wear and tear.
8. The animal is capable of displaying basic behavioral training as appropriate to the type of animal.
9. The benefit for the student. The student requesting the use of an ESA must provide evidence of therapeutic benefit of the ESA. The current treating professional must provide documentation of therapeutic benefit and effective treatment.

E. Access to University Facilities

An ESA must be contained within the student's assigned student living accommodation (e.g., room, suite, apartment) except to the extent the student is taking the animal outside for natural relief. When an ESA is outside the student's living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any university facilities other than university residence halls (e.g., dormitories, suites, apartments, etc.) to which the student is assigned. If an animal is found running at large, the animal is subject to capture and confinement and/or immediate removal from university housing.

F. Student Responsibilities for Emotional Support Animal

If the university grants a student's request to live with an ESA, the student is solely responsible for the custody and care of the ESA and must meet the following requirements:

1. The student must abide by current city, county and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the student's responsibility to know and understand these ordinances, laws, and regulations. The university will require documentation of compliance with such ordinances, laws, and/or regulation, which may include a vaccination certificate.
2. The student is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by UWSP.
3. The student is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in removal of the ESA and/or conduct proceedings for the responsible student. Mistreatment and/or abuse may include leaving the animal for extended periods of time without supervision or companionship.
4. UWSP will not ask for or require a student with a disability to pay a fee or surcharge for an approved ESA.
5. A student with an ESA may be charged for any damage caused by his/her ESA beyond reasonable wear and tear to the same extent that it charges other students for damages beyond reasonable wear and tear. The student's living accommodations may also be inspected for fleas, ticks, or other pests if necessary as part of the university's standard or routine inspections. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The student will be billed for the expense of any pest treatment above and beyond standard pest

management in residence halls. The university shall have the right to bill the student's account for unmet obligations under this provision.

6. The student must fully cooperate with university personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designation of outdoor relief area, disposal of feces, etc.)
7. ESAs may not be left overnight in university housing to be cared for by a student other than the owner. If the student is to be absent from his/her residence hall overnight or longer, the animal must accompany the student. The student is responsible for ensuring that the ESA is contained, as appropriate, when the student is not present during the day while attending classes or other activities.
8. The student agrees to abide by all equally applicable residential policies that are unrelated to the student's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.
9. The animal is allowed in university housing only as long as it is necessary because of the student's disability. The student must notify DATC in writing if the ESA is no longer needed or is no longer in residence. To replace the ESA, the new animal must be necessary because of the student's disability and the student must follow the procedures in this policy when requesting a different animal.
10. UWSP personnel are not required to provide care or food for any ESA including, but not limited to, removing the animal during an emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

G. Liability and Insurance

The student shall be responsible for all liability related to the Emotional Support Animal and all insurance requirements related to the animal. UWSP/State of Wisconsin provides no indemnification to the Emotional Support Animal or resident. UWSP/State of Wisconsin provides no personal property insurance coverage.

H. Removal of Emotional Support Animal

The university may require the student to remove the animal from university housing for any of the following reasons:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The animal's presence results in a fundamental alteration of a university program;
3. The student does not comply with the student's responsibilities set forth above;
4. The animal or its presence creates an unmanageable disturbance or interference with the university community.

The university will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any final decision regarding removal of the animal will be made by DATC in

consultation with University Housing and Dean of Students Office. Removal decisions may be appealed by following the grievance policy mentioned in C.5. above.

Should the ESA be removed from the premises for any reason, the student is expected to fulfill his/her housing obligations for the remainder of the housing contract. Students may engage in the Housing Appeal Process to appeal their housing obligations.

I. Filing a Complaint, Grievance or Appeal on the Basis of Discrimination

Any student dissatisfied with a decision concerning a service animal should reference the [DATC Grievance and Appeal Procedures](#). Nothing in this policy shall prohibit a person from filing a complaint with an external agency, such as the Wisconsin Attorney General's Office, the Wisconsin Equal Rights Division for the Department of Workforce Development, the U.S. Office of Civil Rights, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Justice.

J. Complaint Involving the Use of Animal on Campus

If a person has a dispute, disagreement, or complaint as to a student's use of an emotional support animal in the residence halls under this policy, the residence hall director should be notified and an incident report should be submitted to discuss the issue with the student with the ESA. If a satisfactory resolution is not reached, the Dean of Students office may be contacted for assistance in resolving the concern. If a person suspects or has observed animal abuse or neglect of an animal or has observed threatening behavior from the animal, the Hall Director on call, Dean of Students and/or UWSP University Police and Security Services should be contacted immediately for appropriate action. Any person who intentionally distracts, disrupts, antagonizes, or harms an animal protected under this policy may be subject to the university student conduct or employee disciplinary processes.

K. General Restrictions on Animals on University Lands under UWS Ch.18

For all other uses and/or presence of animals on university property or lands that are not specifically provided for in this policy, the provisions of UWS Ch. 18.08 shall apply (see Resources).

L. Campus Resources/Stakeholders

- Counseling Center (715-346-3553) <http://www.uwsp.edu/counseling>
- Dean of Students Office (715-346-2611) <http://www.uwsp.edu/dos>
- Disability and Assistive Technology Center (DATC) (715-346-3365) <http://www.uwsp.edu/disability>
- Equity and Affirmative Action (EAA) / ADA Coordinator (715-346-2002) <http://www.uwsp.edu/equity>
- Facility Service (715-346-2124) <http://www.uwsp.edu/facsv>
- University Police and Security Services (715-346-3456) <http://www.uwsp.edu/protsv>
- Residential Living (715-346-3511) <http://www.uwsp.edu/resliving>

- Risk Management (715-346-2618) <http://www.uwsp.edu/rmgt>
- University Dining Services (715-346-3434) <http://www.uwsp.edu/dining>

Resources

State Resources

[Wisconsin State Legislature UWS 18.08\(1\)](#) Personal conduct with animals on university property

[Wisconsin State Legislature 36.12](#) Student discrimination prohibited

[Wisconsin State Legislature 106.52\(1\)\(fm\)](#) Definition of service animal

University of Wisconsin System Resources

[University of Wisconsin System Board of Regent Policy 14-10 Nondiscrimination on the Basis of Disability](#)

University of Wisconsin-Stevens Point Resources

[University of Wisconsin-Stevens Point Animal Policies](#)

[University of Wisconsin-Stevens Point Discrimination Policy](#)